

FEDERAL REGISTER

THE NATIONAL ARCHIVES
OF THE UNITED STATES
1934

VOLUME 5 NUMBER 145

Washington, Friday, July 26, 1940

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER I—AGRICULTURAL MARKETING SERVICE

FINDING AND ORDER UNDER FEDERAL SEED ACT RE IMPORTATIONS OF MIXTURES OF SEED OF WHITE CLOVER AND SUCKLING CLOVER

JULY 25, 1940.

By virtue of authority vested in the Secretary of Agriculture by Section 303 of the Federal Seed Act of August 9, 1939 (53 Stat. 1275) I hereby find and do prescribe by this order that the importation of mixtures of seed of suckling clover (*Trifolium dubium*) and white clover (*Trifolium repens*) for planting is not detrimental to the user of such seeds.

This order shall become effective August 15, 1940.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 40-3073; Filed, July 25, 1940;
11:02 a. m.]

CHAPTER IX—SURPLUS MARKETING ADMINISTRATION

FIRST AMENDMENT TO COTTON STAMP PLAN, REVISED REGULATIONS AND CONDITIONS

Section 202 of the "Cotton Stamp Plan—Revised Regulations and Conditions," made and prescribed by the Secretary of Agriculture on June 29, 1940,¹ is hereby amended to read as follows:

SEC. 202. *Certification of use.* The issuance of a cotton stamp book or series of cotton stamp books to any eligible person shall be dependent upon either:

(a) The execution of such certification relative to the use of cotton stamps as the Administration may require; or

(b) After the issuance of the second cotton stamp book or series of cotton stamp books, the return of all the covers of cotton stamp books previously issued, properly certified, except the covers of

the cotton stamp book or series of books last issued.

If the Administration requires the return of cotton stamp book covers, a person who loses the cover of any cotton stamp book shall be eligible to receive further cotton stamp books only upon the execution and presentation to the issuing officer of an affidavit of loss containing such certification as may be required by the Administration.

Done at Washington, D. C., this 25th day of July 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

Effective Date: July 25, 1940.

[F. R. Doc. 40-3071; Filed, July 25, 1940;
11:00 a. m.]

FIRST AMENDMENT TO FOOD STAMP PLAN, REVISED REGULATIONS AND CONDITIONS

Section 202 of the "Food Stamp Plan—Revised Regulations and Conditions," made and prescribed by the Secretary of Agriculture on June 29, 1940,¹ is hereby amended to read as follows:

SEC. 202. *Certification of use.* The issuance of a food stamp book or series of food stamp books to any eligible person shall be dependent upon either:

(a) The execution of such certification relative to the use of food stamps as the Administration may require; or

(b) After the issuance of the second food stamp book or series of food stamp books, the return of all the covers of food stamp books previously issued, properly certified, except the covers of the food stamp book or series of books last issued.

If the Administration requires the return of food stamp book covers, a person who loses the cover of any food stamp book shall be eligible to receive further food stamp books only upon the execution and presentation to the issuing officer of an affidavit of loss containing

¹ 5 F. R. 2440.

CONTENTS

RULES, REGULATIONS, ORDERS

TITLE 7—AGRICULTURE:	Page
Agricultural Marketing Service:	
Importations of mixtures of seed of white clover and suckling clover.....	2659
Surplus Marketing Administration:	
First amendments to—	
Cotton Stamp Plan.....	2659
Food Stamp Plan.....	2659
TITLE 14—CIVIL AVIATION:	
Civil Aeronautics Authority:	
Instrument rating for military pilots.....	2660
TITLE 16—COMMERCIAL PRACTICES:	
Federal Trade Commission:	
Prostex Co., cease and desist order.....	2660
TITLE 25—INDIANS:	
Office of Indian Affairs:	
Shoshone Tribe of Wind River Reservation, Wyo., trust status of property..	2660
TITLE 29—LABOR:	
Wage and Hour Division:	
Pulp and primary paper industry, minimum wage rates.....	2661
TITLE 33—NAVIGATION AND NAVIGABLE WATERS:	
Corps of Engineers, War Department:	
White River, Ark., bridge regulations.....	2662

NOTICES

Department of the Interior:	
Bureau of Reclamation:	
Eden Project, Wyo., first form reclamation withdrawal..	2662
Department of Labor:	
Wage and Hour Division:	
Learner employment certificates, issuance for various industries (2 notices)....	2663
Receiving of grain, soybeans, flax, and buckwheat into grain elevators, seasonal industry determination....	2663
(Continued on next page)	

2659



Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.25 per month or \$12.50 per year; single copies 10 cents each; payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C.

CONTENTS—Continued

Federal Trade Commission:	Page
Stanley Laboratories, Inc., et al., order appointing examiner, etc-----	2664
Securities and Exchange Commission:	
Effectiveness of declarations:	
- American Utilities Service Corp., et al-----	2664
Southeastern Investing Corp., et al-----	2664
Hearings:	
California Public Service Co., and Peoples Light and Power Co. (postponement)-----	2665
Northeastern Water and Electric Corp-----	2666
Notices regarding filing:	
Indiana Service Corp-----	2665
Ohio Public Service Co-----	2665

such certification as may be required by the Administration.

Done at Washington, D. C., this 25th day of July 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL] ° GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 40-3072; Filed, July 25, 1940; 11:00 a. m.]

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS AUTHORITY

[Amendment 63, Civil Air Regulations]

PART 20—PILOT RATING

INSTRUMENT RATING FOR MILITARY PILOTS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 23rd day of July 1940.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601 (a), and 602 of said Act,

and finding that its action is desirable in the public interest and is necessary to carry out the provisions of and to exercise and perform its powers and duties under said Act, the Civil Aeronautics Board hereby amends the Civil Air Regulations as follows:

Effective July 23, 1940, Part 20, as amended, of the Civil Air Regulations is amended by adding a new section, § 20.214, which reads as follows:

§ 20.214 *Military instrument competence.* An applicant who holds a valid instrument rating issued by the Army, Navy, Marine Corps, or Coast Guard and who holds a commercial pilot certificate may be issued an instrument rating valid only for piloting air carrier aircraft as a second pilot.

By the Civil Aeronautics Board.

[SEAL]

THOMAS G. EARLY,
Acting Secretary.

[F. R. Doc. 40-3066; Filed, July 25, 1940; 9:27 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3291]

IN THE MATTER OF PROSTEX COMPANY

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety.* Representing, directly or by implication, in connection with offer, etc., in commerce, of respondent's medicinal preparation known as Glantex, or any other similar preparation, that said preparation will cure prostatitis, cystitis, urethritis, sugar diabetes, dropsy, illio-colitis, gastritis, malaria, inflammation of the bladder, acute indigestion, ptomaine poisoning, rheumatism, back aches, leg aches or worn out or run down feeling, or will serve as a safe, competent or effective treatment for any of such diseases or conditions, or will cure any disease or pathological condition or serve as a competent or effective treatment therefor, or that said preparation possesses any therapeutic value in excess of that due to its laxative properties, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Prostex Company, Docket 3291, July 16, 1940]

IN THE MATTER OF GEORGE G. NEFF, AN INDIVIDUAL, DOING BUSINESS UNDER THE TRADE NAME OF PROSTEX COMPANY

ORDER TO CEASE AND DESIST

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 16th day of July, A. D. 1940.

This proceeding having been heard¹ by the Federal Trade Commission upon the

¹ 3 F.R. 1542.

complaint of the Commission, the answer of respondent, testimony and other evidence taken before examiners of the Commission theretofore duly designated by it in support of the allegations of said complaint and in opposition thereto, briefs filed herein and oral arguments by counsel for the Commission and by counsel for the respondent, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That respondent George G. Neff, an individual doing business under the trade name of Prostex Company, or trading under any other name, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of a medicinal preparation known as Glantex, or any other preparation composed of similar ingredients or possessing similar properties whether sold under the name or under any other name in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing directly or by implication:

(1) That said preparation will cure prostatitis, cystitis, urethritis, sugar diabetes, dropsy, illio-colitis, gastritis, malaria, inflammation of the bladder, acute indigestion, ptomaine poisoning, rheumatism, back aches, leg aches or worn out or run down feeling or will serve as a safe, competent or effective treatment for any of such diseases or conditions;

(2) That said preparation will cure any disease or pathological condition or will serve as a competent or effective treatment therefor or that said preparation possesses any therapeutic value in excess of that due to its laxative properties.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he is complying with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-3070; Filed, July 25, 1940; 10:33 a. m.]

TITLE 25—INDIANS

CHAPTER 1—OFFICE OF INDIAN AFFAIRS

PART 223—REGULATIONS GOVERNING DISBURSEMENT OF PRO-RATA SHARES OF THE JUDGMENT FUND OF THE SHOSHONE TRIBE OF THE WIND RIVER RESERVATION, WYOMING

AMENDMENT

Section 223.59 of Title 25, Chapter 1, Subchapter S, Part 223, which reads:

§ 223.59 Trust status of property.

All personal property purchased shall be covered by a bill of sale in the name of the superintendent in trust for the individual. All real property purchased shall be taken in the name of the United States in trust for the Indian, except that title to real property situated outside the diminished portion of the Wind River Reservation shall not be taken in trust without the prior approval of the Commissioner of Indian Affairs. All livestock purchased and the offspring thereof shall be branded ID and also marked with the individual brand of the Indian. All property, including livestock, whether originally purchased or the income or increase therefrom, shall be held in trust unless released by the superintendent in the form of a permit or written record authorizing the sale or disposition of any such property or funds. It shall be the duty of the Indian, in carrying out his program, to make every effort to maintain the capital value of his original investment, and sales or other disposals depleting such capital value shall not be permitted except in cases where, in the opinion of the superintendent, such sales or disposals are clearly to the advantage of the Indian. The provisions of this section are subject to the provisions of § 223.68.

is amended to read:

§ 223.59 Trust status of property.

All personal property purchased, except non-recoverable goods costing \$25.00 or less, shall be covered by a bill of sale in the name of the superintendent in trust for the individual. All real property purchased shall be taken in the name of the United States in trust for the Indian, except that title to real property situated outside the diminished portion of the Wind River Reservation shall not be taken in trust without the prior approval of the Commissioner of Indian Affairs. All livestock purchased and the offspring thereof shall be branded ID and also marked with the individual brand of the Indian. All property, including livestock, whether originally purchased or the income or increase therefrom, shall be held in trust unless released by the superintendent in the form of a permit or written record authorizing the sale or disposition of any such property or funds. It shall be the duty of the Indian, in carrying out his program, to make every effort to maintain the capital value of his original investment, and sales or other disposals depleting such capital value shall not be permitted except in cases where, in the opinion of the superintendent, such sales or disposals are clearly to the advantage of the Indian. The provisions of this section are subject to the provisions of § 223.68. (52 Stat. 1156, 53 Stat. 1128; 25 U.S.C. 571 to 577 Inc.) [Sec. 223.59, Regs. Sec. Int. Nov. 29, 1939, as amended, 4 F.R. 4795 DI, 4 F.R. 4969 DI, 5 F.R.

1436 DI, as amended July 12, 1940 by Sec. Int.]

OSCAR L. CHAPMAN,
Assistant Secretary
of the Interior.

JULY 12, 1940.

[F. R. Doc. 40-3067; Filed, July 25, 1940;
9:27 a. m.]

TITLE 29—LABOR**CHAPTER V—WAGE AND HOUR
DIVISION****PART 585—MINIMUM WAGE RATES IN THE
PULP AND PRIMARY PAPER INDUSTRY**

Whereas on February 24, 1940, pursuant to Section 5 of the Fair Labor Standards Act of 1938, hereinafter called the Act, the Administrator of the Wage and Hour Division of the United States Department of Labor by Administrative Order No. 41, appointed Industry Committee No. 11 for the Pulp and Primary Paper Industry, herein called the Committee, and directed the Committee to recommend minimum wage rates for the Pulp and Primary Paper Industry in accordance with Section 8 of the Act; and

Whereas the Committee included six disinterested persons representing the public and a like number of persons representing the employees in the Pulp and Primary Paper Industry, and a like number representing employers in the Industry, and each group was appointed with due regard to the geographical regions in which the Pulp and Primary Paper Industry is carried on; and

Whereas on April 11, 1940, after investigation of conditions in the Industry, the Committee filed with the Administrator a report containing its recommendation for a 40 cent an hour minimum wage rate in the Pulp and Primary Paper Industry; and

Whereas after notice published in the FEDERAL REGISTER on April 26, 1940, Henry T. Hunt, Esquire, the Presiding Officer designated by the Administrator, held a public hearing upon the Committee's recommendation at Washington, D. C., on May 20 and May 21, 1940, at which all interested persons were given an opportunity to be heard; and

Whereas the complete record of the proceeding before the Presiding Officer was transmitted to the Administrator; and

Whereas all persons appearing at said public hearing before the Presiding Officer were given leave to file briefs on or before June 12, 1940; and

Whereas oral argument was held on June 12, 1940, before the Administrator; and

Whereas the Administrator, upon reviewing all the evidence adduced in this proceeding and giving consideration to the provisions of the Act with special reference to Sections 5 and 8, concludes that the Industry Committee's recom-

mendation for the Pulp and Primary Paper Industry as defined in Administrative Order No. 41, is made in accordance with law, is supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of Section 8 of the Act; and

Whereas the Administrator has set forth his decision in an opinion entitled "Administrator's Findings and Opinion in the Matter of the Recommendation of Industry Committee No. 11 for a Minimum Wage Rate in the Pulp and Primary Paper Industry," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, Washington, D. C.;

Now, therefore, it is ordered, That:

§ 585.1 *Approval of recommendation of Industry Committee.* The Committee's recommendation is hereby approved.*

§ 585.2 *Wage rates.* Wages at a rate not less than 40 cents an hour shall be paid under Section 6 of the Act by every employer to each of his employees in the Pulp and Primary Paper Industry who is engaged in commerce or in the production of goods for commerce.*

§ 585.3 *Posting of notices.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the Pulp and Primary Paper Industry shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this Order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor.*

§ 585.4 *Definition of Pulp and Primary Paper Industry.* The Pulp and Primary Paper Industry to which this order shall apply is hereby defined as follows:

(a) For the purpose of this order the term "pulp and primary paper industry" means the manufacture of pulp, for any purpose, from fibrous material capable of yielding cellulose fibre and the manufacture of Paper and of Board from such pulp and from such fibrous material or either of them with or without addition of any non-cellulose fibre, colorant or filler.

(b) The term "manufacture" as used in this order means all operations involved in the production of pulp, paper, and board, starting with the unloading of raw materials at the mill site and ending with the delivery of the finished paper or board to carriers for sale as such or to converting departments within the same mill or company. It includes finishing operations normally performed in the paper or board mill, such as packing, trimming, cutting to

*§§ 585.1 to 585.6 inclusive, issued under the authority contained in Sec. 8, 52 Stat. 1064; 29 U.S.C., Sup. IV, 203.